

IN THE HIGH COURT FOR THE STATES OF PUNJAB &
HARYANA AT CHANDIGARH.

Crl. Revision No.2558 of 2014 (O&M)
Date of decision: April 28, 2016

Sukhwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Tajinderjeet Kaur, Advocate for the petitioner.
Ms. Rajni Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J.

Petitioner Sukhwinder Singh had been convicted by the Sub
Divisional Judicial Magistrate, Zira, under sections 304-A, 279, 338 &
427 IPC and was sentenced to undergo imprisonment as under:-

Offence	Sentence
304-A IPC	To undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.5000/-.
279 IPC	To undergo rigorous imprisonment for a period of six months.
338 IPC	To undergo rigorous imprisonment for a period of one year.
427 IPC	To undergo rigorous imprisonment for a period of one year.

The petitioner preferred appeal against the judgment of his
conviction/sentence, which was dismissed by Additional Sessions
Judge, Ferozepur, vide judgment dated 6.8.2014.

Feeling aggrieved against the judgments of both the courts
below, the petitioner has approached this court through the instant

Criminal Revision.

Learned counsel for the petitioner at the outset states that she is limiting her prayer only to the extent of reduction in the sentence awarded and does not assail the judgment of conviction. She states that she is conscious that scope in the revision is very limited as evidence of the witnesses cannot be re-appreciated or re-evaluated.

Learned State counsel, on the other hand submits that in case conviction of petitioner is maintained, the court may reduce the sentence as deemed appropriate in the circumstances of the case.

I have heard learned counsel for both the sides.

Briefly, the prosecution case runs thus:

On 31.8.2008, S.I. Swaran Singh on receipt of information regarding accident, went at the spot and recorded statement of Gurpreet Singh, who stated that on that day, he went to village Mehar Singh Wala to collect the milk. At that time, his uncle Gurdip Singh and niece Harmanpreet Kaur were also coming to Zira on a motorcycle and the said motorcycle was 50 yards ahead from him. At about 8.15 A.M., one bus of Kartar Bus Service bearing No.PB-08-AQ-6551 came from Ferozepur side rashly and negligently and at a high speed and hit motorcycle of his son Gurdip Singh from back side, who fell down on the road alongwith Harmanpreet Kaur. Both of them received various injuries. Driver of the bus fled from the spot. Both the injured were taken to Civil Hospital, Zira where Harmanpreet Kaur succumbed to injuries. On the basis of his statement, FIR was registered by the police.

After completion of investigation, challan against the accused was presented in the trial court.

Finding prima facie case under Sections 279, 304-A, 427 and 338 IPC, charge was framed against the accused/petitioner, to which he pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution examined as many as ten witnesses.

The statement of the accused under Section 313 Cr.P.C. was recorded, wherein all the incriminating evidence available on record was put to him. He refuted the incriminating circumstances and pleaded false implication. The accused, however, did not examine any witness in his defence.

On the basis of the evidence on record, the learned trial court held the petitioner guilty of the charge under sections 304-A, 279, 338 and 427 IPC and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by the learned Additional Sessions Judge, Ferozepur on 6.8.2014.

On a perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioner guilty of the charge framed against him. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioner is, thus, affirmed.

Even counsel for the petitioner, during the course of

arguments, has not assailed the judgment of conviction. She has, however, pleaded for reduction in the quantum of sentence on the ground that the petitioner is a poor person and main bread winner of his family. She has stated that she is conscious that the scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated.

Learned State counsel has placed on record affidavit of Baldev Singh, Deputy Superintendent, Central Jail, Ferozepur, according to which the petitioner has undergone custody of 01 year 03 months and 25 days till date.

It is stated before this court that legal heirs of the deceased have been paid Rs.5.00 lacs as compensation in MACT case. Only prayer is for reduction of sentence awarded to the petitioner. Being a poor person, he is not able to compensate legal heirs of the deceased.

Keeping in view the facts and circumstances of the case, it is directed that the sentence awarded to the petitioner shall be reduced to 1½ year. However, the fine imposed by the trial court shall remain intact.

Except with the modification in the quantum of sentence, as indicated hereinabove, the appeal stands dismissed.

(RAJAN GUPTA)
JUDGE

April 28, 2016
'Rajpal'